

REMARKS

The Office Action mailed September 10, 2007, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claim 1 is cancelled in lieu of new claim 13. Claims 2-5, 7 and 11 have been amended. No new matter is added. Accordingly, claims 2-13 are pending in the application and are submitted for reconsideration.

Claims 3, 5-6 and 8-9 were found to contain allowable subject matter. The Applicant submits that all rejections and objections have been sufficiently addressed herein and therefore, requests allowance of claims 3, 5-6 and 8-9.

Claims 1 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 is cancelled without prejudice or disclaimer to the cancelled subject matter. Claim 11 is amended to correct the informality noted in the Office Action. The Applicant submits that claim 11 complies with the requirements of 35 U.S.C. § 112. Accordingly, the Applicant requests that the rejections to claims 1 and 11 be withdrawn.

Claims 1-2, 4, 7 and 10-12 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by German patent reference 100 44 930 to Beki. The Applicant traverses the rejection and submits that claims 13, and 2, 4, 7, and 10-12 which depend thereon, recite subject matter that is not disclosed by Beki.

Beki discloses a roll-over protection device with a central holding/release device (5, 7), holding a roll member (1) counter to the force of biased drive compression spring(s) (8), by which the roll member can be raised into a protective position after an

activation of the sensor controlled holding/release device (5, 7) (see, e.g., claim 1 of Beki). For locking the roll member in its raised supporting position, the device of Beki includes "strip-like catch elements" (10a) with a tooth profile and "sliding-block-like members" (15), which are retained in a housing (17) so as to be able to be pressed by a spring (16) against the tooth profile (10a). During movement of the roll member into the raised supporting position, the sliding blocks (15) are bumping over the tooth profile (10a). No synchronization of the movement of the tubular members (3, 4) is provided in Beki. As a result, in case of tolerances, and in particular, if only one spring is used for driving the roll member, a "drawer effect" with a tilting or even a deadlock of the roll bar may occur.

In contrast to the cited prior art, claim 13 of the present application defines a roll-over protection device for a motor vehicle that includes a synchronizing device (17) for synchronizing the displacement of the limbs (4a, 4b) along the guiding devices (6, 7, 8) being connected to both limbs (4a, 4b) of the roll bar (2) during the displacement. Beki fails to disclose or suggest such a synchronizing device. Thus, Beki fails to disclose each and every element of claims 13, upon which claims 2-12 depend. Accordingly, Applicant requests that the rejection be withdrawn and that claims 2-13 be allowed.

In view of the above, all objections and rejections have been sufficiently addressed. Applicant submits that the application is now in condition for allowance and requests that claims 2-13 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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